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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,100	12/29/2000	Eric D. Fagerburg	10559/322001/P9683	8242
20985	7590	04/06/2005	EXAMINER	
FISH & RICHARDSON, PC 12390 EL CAMINO REAL SAN DIEGO, CA 92130-2081			OSMAN, RAMY M	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,100

Applicant(s)

FAGERBURG ET AL.

Examiner

Ramy M Osman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 4, 14, 29 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-13, 15-28, 31 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This communication is responsive to the amendment filed on November 17, 2004 where applicant amended claims 1,5,6,11,15,16,21 and 32, cancelled claims 4 and 14. No new claims were added. Claims 1-3, 5-13, 15-28, 31 and 32 are pending.

Allowable Subject Matter

2. The indicated allowability of claim 4-6, 14-16,25-28,31 and 32 is withdrawn in view of the newly discovered reference(s) to Gilbert (US Patent No 5,577,254). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-3, 5-13, 15-28, 31 and 32 rejected under 35 U.S.C. 103(a) as being unpatentable over (DoubleVision 3.0 by Tridia) in view of Gilbert (US Patent No 5,577,254).**

5. In reference to claims 1,11 and 21, DoubleVision 3.0 teaches a method, machine readable medium and a corresponding system comprising:

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prompting a first user at a UNIX-based machine for permission for a second user at a machine remotely-located from the UNIX-based machine to control the UNIX-based machine; and if the first user grants permission, enabling the second user to use the first machine through the machine remotely-located from the UNIX-based machine (see <http://www.officesoft.com/utilities/doublevision.html>, DoubleVision software is a remote control software for UNIX systems, where a remotely located UNIX computer can directly control another UNIX computer through a network. Double vision provides secure access where the user machine that is being controlled grants permission to the remote machine that is seeking access. Prompting the user for permission is inherently part of the secure access of DoubleVision).

DoubleVision fails to explicitly teach replicating current contents of a screen on the UNIX-based machine onto a new screen running in a background of the UNIX-based machine. However, Gilbert teaches replicating current contents of a screen on the UNIX-based machine onto a new screen running in a background of the UNIX-based machine. (column 3 lines 44-69, column 7 lines 7-23, column 8 lines 20-25 and column 14 lines 44-64, Gilbert discloses session mirroring in a UNIX system which involves mirroring an original user TTY for the purpose of session monitoring. When a session operation is completed, then the original TTY is restored.)

It would have been obvious for one of ordinary skill in the art to modify DoubleVision by replicating current contents of a screen on the UNIX-based machine onto a new screen running in a background of the UNIX-based machine as per the teachings of Gilbert for the purpose of session monitoring.

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6. In reference to claims 2,12 and 23, DoubleVision teaches the method, machine readable medium and corresponding system of claims 1,11 and 21 respectively, in which the prompting comprises making the prompt known to the first user by displaying information on a display of the UNIX-based machine (see <http://www.officesoft.com/utilities/doublevision.html>).

7. In reference to claims 3,13 and 22, DoubleVision teaches the method, machine readable medium and corresponding system of claims 1,11 and 21 respectively, in which the second user uses the UNIX-based machine through the machine remotely-located from the UNIX-based machine as if the second user was directly using the UNIX-based machine (see <http://www.officesoft.com/utilities/doublevision.html>).

8. In reference to claims 5 and 15, DoubleVision teaches the method and machine readable medium of claims 1 and 11 respectively, further comprising adding to the new screen a prompt that asks the first user for the permission (see <http://www.officesoft.com/utilities/doublevision.html>).

9. In reference to claims 6 and 16, DoubleVision teaches the method and machine readable medium of claims 1 and 11 respectively, above. DoubleVision fails to explicitly teach replacing the current contents of the screen on the UNIX-based machine with the new screen. However, Gilbert teaches replacing the current contents of the screen on the UNIX-based machine with the new screen (column 3 lines 44-69, column 7 lines 7-23, column 8 lines 20-25 and column 14 lines 44-64, Gilbert discloses session mirroring in a UNIX system which involves mirroring an original user TTY for the purpose of session monitoring. When a session operation is completed, then the original TTY is restored.)

It would have been obvious for one of ordinary skill in the art to modify DoubleVision by replacing the current contents of the screen on the UNIX-based machine with the new screen as per the teachings of Gilbert for the purpose of session monitoring.

10. In reference to claims 7 and 17, DoubleVision teaches the method and machine readable medium of claims 1 and 11 respectively, in which the using of the UNIX-based machine includes issuing text commands to the UNIX-based machine from the machine remotely-located from the UNIX-based machine (see <http://www.officesoft.com/utilities/doublevision.html>, DoubleVision is for UNIX character Terminals which are inherently text-based).

11. In reference to claims 8 and 18, DoubleVision teaches the method and machine readable medium of claims 1 and 11 respectively, further causing a machine to, if the first user does not grant permission, prevent the second user from using the UNIX-based machine through the machine remotely-located from the UNIX-based machine (see <http://www.officesoft.com/utilities/doublevision.html>, DoubleVision discloses preventing unauthorized remote controlling through a grant/deny feature).

12. In reference to claims 10 and 20, DoubleVision teaches the method and machine readable medium of claims 1 and 11 respectively, in which the prompting is text-based (see <http://www.officesoft.com/utilities/doublevision.html>, DoubleVision is for UNIX character Terminals which are inherently text-based).

13. In reference to claim 24, DoubleVision teaches the system of claim 21 in which the process is also configured to continuously run on the first device (see <http://www.officesoft.com/utilities/doublevision.html>, this is an inherent feature of the DoubleVision software).

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14. In reference to claims 25,27 and 31, DoubleVision teaches a method and a machine implemented method comprising:

Inserting a prompt on a new screen to a user of a UNIX-based device to grant permission for a remote device at a location remote from the UNIX-based device to control the UNIX-based device. (see <http://www.officesoft.com/utilities/doublevision.html>, DoubleVision software is a remote control software for UNIX systems, where a remotely located UNIX computer can directly control another UNIX computer through a network. Double vision provides secure access where the user machine that is being controlled grants permission to the remote machine that is seeking access. Prompting the user for permission is inherently part of the secure access of DoubleVision).

DoubleVision fails to explicitly teach replicating current contents of a screen visible to a user on a UNIX-based device onto a new screen not visible on the display screen to the user; replacing the current contents of the display screen with the new screen, the new screen visible to the user on the UNIX-based device. However, Gilbert teaches replicating current contents of a screen visible to a user on a UNIX-based device onto a new screen not visible on the display screen to the user. (column 3 lines 44-69, column 7 lines 7-23, column 8 lines 20-25 and column 14 lines 44-64, Gilbert discloses session mirroring in a UNIX system which involves mirroring an original user TTY for the purpose of session monitoring. When a session operation is completed, then the original TTY is restored)

It would have been obvious for one of ordinary skill in the art to modify DoubleVision by replicating current contents of a screen on the UNIX-based machine onto a new screen

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running in a background of the UNIX-based machine as per the teachings of Gilbert for the purpose of session monitoring.

15. In reference to claims 26 and 32, DoubleVision teaches the method of claims 25 and 31 respectively further comprising, after the user responds to the prompt, returning the UNIX-based device back to the current contents of the display screen. Gilbert teaches replicating current contents of a screen visible to a user on a UNIX-based device onto a new screen not visible on the display screen to the user. (column 3 lines 44-69, column 7 lines 7-23, column 8 lines 20-25 and column 14 lines 44-64, Gilbert discloses session mirroring in a UNIX system which involves mirroring an original user TTY for the purpose of session monitoring. When a session operation is completed, then the original TTY is restored)

It would have been obvious for one of ordinary skill in the art to modify DoubleVision by replicating current contents of a screen on the UNIX-based machine onto a new screen running in a background of the UNIX-based machine as per the teachings of Gilbert for the purpose of session monitoring.

16. In reference to claim 28, DoubleVision teaches the method of claim 27 further comprising determining if the second user may control the UNIX-based machine based on a response to the text prompt by the first user (see <http://www.officesoft.com/utilities/doublevision.html>).

17. **Claims 9 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over (DoubleVision 3.0 by Tridia) in view of Gilbert (US Patent No 5,577,254) in further view of Edwards (US Patent No. 6,594,686).**

DoubleVision teaches the method and machine readable medium of claims 1 and 11 respectively. DoubleVision does not explicitly teach if the first user at the UNIX-based machine does not respond to the prompting within a certain threshold time, enable by default the second user to use the UNIX-based. However, Edwards teaches software which takes default action if a user response is not received within a certain time (column 3 and column 8 lines 25-40).

It would have been obvious for one of ordinary skill in the art to modify DoubleVision by making a default action occur if a user does not respond within a certain time as per the teachings of Edwards so that UNIX systems can be controlled remotely over a network/Internet if there is no user attending the UNIX system.

Response to Arguments

18. Applicant's arguments with respect to claims 1-32 have been considered.

A response to the remarks will not be given because they are moot in view of the new ground(s) of rejection.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- McLaughlin, J. "New Product Briefs – July 1995", FlashBack 1356, August 1995
[retrieved3/31/2005] Retrieved from Google cache [online]:

<http://www.google.com/search?q=cache:6i30yaXp58MJ:ftp.fh-wolfenbuettel.de/links/sunflash/1995/1300->

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1399/1356.prods.txt+doublevision+unix+daterange:2449718-2452214&hl=en. This discloses

DoubleVision for Character Terminals and DoubleVision for X Windows systems.

- Tridia's DoubleVision, First Look, September 1998 [retrieved 4/1/2005], Retrieved from http://www.tpci.com/tridia_sep_98.htm
- DoubleVision for UNIX Systems Product Guide, Table of Contents, copyright 1996 [retrieved 4/1/2005], Retrieved from http://triweb.tridia.com/documentation/dvu_tblcnts.html
- DoubleVision Pro User Guide, Chapter 6, copyright 2003, [retrieved 4/1/2005] Retrieved from <http://www.tridia.com/dvpro40UserGuide/ch6unixlinux.htm>
- Hines, Jason., ttysnoop 0.12d, Console/Monitoring December 14, 1999, [retrieved 4/1/2005] Retrieved from <http://www.an-netz.de/html-news/freshmeat/archiv/1999-Dec-14/54.html>, which describes cloning an original tty for the purpose of monitoring.
- US Patent No US006650747B1
- US Patent No US006198479B1
- US Patent No US006754710B1
- US Patent No US005241625A

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M Osman whose telephone number is (571) 272-4008.

The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO
April 1, 2005



SALEH NAJJAR
PRIMARY EXAMINER